

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS LUCA JR., individually and on behalf
of all others similarly situated,

Plaintiff,

v.

WYNDHAM WORLDWIDE CORPORATION,
WYNDHAM HOTEL GROUP, LLC, WYNDHAM
HOTELS AND RESORTS, LLC, and WYNDHAM
HOTEL MANAGEMENT, INC.,

Defendants.

Civil No. 2:16-cv-00746 (MRH)

Electronically Filed and Served

**DEFENDANTS WYNDHAM WORLDWIDE CORPORATION AND WYNDHAM
HOTEL MANAGEMENT, INC.'S MOTION TO DISMISS**

Pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, defendants Wyndham Worldwide Corporation and Wyndham Hotel Management, Inc., move to dismiss the claims against them on the grounds that the plaintiff has failed to establish personal jurisdiction over them in this action and has failed to state a claim on which relief can be granted. In support, the Court is respectfully referred to the memorandum of points and authorities filed concurrently with this motion.

Dated: August 15, 2016

Respectfully submitted,

/s/ K. Winn Allen

David A. Strassburger (Pa. I.D. No. 76027)
STRASSBURGER MCKENNA
GUTNICK & GEFSKY
444 Liberty Avenue, Suite 2200
Pittsburgh, PA 15222
Telephone: (412) 281-5423
Facsimile: (412) 281-8264
dstrassburger@smgglaw.com

Eugene F. Assaf, P.C. (Pa. I.D. No. 57803)
K. Winn Allen (admitted *pro hac vice*)
Jennifer M. Bandy (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
655 Fifteenth Street NW
Washington, DC 20005
Telephone: (202) 879-5000
Facsimile: (202) 879-5200
winn.allen@kirkland.com

*Counsel for Wyndham Worldwide Corporation,
and Wyndham Hotel Management, Inc.*

CERTIFICATE OF SERVICE

I certify that on August 15, 2016, I electronically filed the foregoing with the Clerk of this Court by using the CM/ECF system, which will accomplish service through the Notice of Electronic Filing for parties and attorneys who are Filing Users.

/s/ K. Winn Allen

K. Winn Allen